

REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, as well as receipt of certified copies of the documents upon which the claim for foreign priority is based. Applicants would also like to thank the Examiner for acknowledging consideration of each of the documents listed on Forms PTO-1449 submitted with Information Disclosure Statements on March 30, 2007, November 21, 2006 and March 8, 2005.

In the outstanding Office Action, claims 2-18 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1-4 and 7-16 were rejected under 35 U.S.C. §102(b) over SETO et al. (U.S. Patent No. 5,832,816). Claim 7 was rejected under 35 U.S.C. §102(b) over NAKAGAWA (U.S. Patent No. 5,953,972). Claims 7, 8 and 11-13 were rejected under 35 U.S.C. §102(b) over JP 10328891. Claims 7, 8 and 11-13 were rejected under 35 U.S.C. §102(b) over INOUE et al. (U.S. Patent No. 5,669,257). Claims 17 and 18 were rejected under 35 U.S.C. §103(a) over SETO in view of EP 08047279. Claims 5 and 6 were objected-to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten into independent form to include all of the features of base and intervening claims.

Upon entry of the present amendment, claims 1-18 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 19-35 will have been added for consideration. The cancellation of claims 1-18 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding objection or rejection. Rather, claims 1-18 will have been cancelled, and claims 19-35 added, in order to advance prosecution and obtain early allowance of claims in the present application.

The cancellation of claims 1-18 will have rendered moot each of the outstanding objections and rejections. Nevertheless, Applicants traverse each of the outstanding objections and rejections insofar as any of claims 19-35 recite combinations of features similar to the combinations previously recited in any of claims 1-18.

Applicants traverse the outstanding rejections under 35 U.S.C. §112, second paragraph. In this regard, there is no affirmative requirement to positively recite every element set forth in a claim, even where the elements could be positively recited as positive features of the claimed invention. Applicants particularly note that such a requirement would limit Applicants' ability to recite contextual features in claims, where such contextual features need not necessarily be provided directly by an infringer in order to infringe a claim directed to Applicants' claimed invention. Nevertheless, the new independent claims each positively recite at least one structural feature, and relationships between elements are clearly established in the claims. Further, Applicants have reviewed claims 19-35 to ensure antecedent basis is provided for each recitation of the previous claims asserted to lack antecedent basis. As each of new claims 19-35 is definite under 35 U.S.C. §112, second paragraph, reconsideration and withdrawal of the outstanding rejections under 35 U.S.C. §112, second paragraph, is respectfully requested.

Applicants traverse each of the outstanding rejections under 35 U.S.C. 102 and 35 U.S.C. §103. In this regard, Applicants initially note that the outstanding Office Action does not provide a full explanation of where each feature of rejected claims is believed found in the documents applied in the Office Action. As set forth below, each of the documents applied in the outstanding Office Action fails to disclose or suggest at least one feature of each independent claim rejected over the document.

For example, SETO discloses an eccentric portion 37 and servo motors 43 and 47 in Figure 2. However, SETO does not anywhere use the term “torque”, let alone explicitly disclose the particular features of compositing torque based on the same speed-torque characteristics. Further, SETO does not disclose that servo motors drive an operation shaft “directly” to vertically move a ram. Rather, SETO discloses that servo motors are driven via a rotating horizontal drive axis from which rotational motion is converted into up/down motion. Accordingly, SETO does not disclose the combinations of features recited in each new independent claim 19, 24, 26, 28, 31 and 34, each of which recites such features.

Claims 19, 24, 26, 28, 31 and 34 are also allowable over NAKAGAWA, JP 10328891, INOUE and EP 08047279. For example, JP 10-328891 discloses that eccentricity of an eccentric portion of a crank shaft 9 and eccentricity of a link mechanism (pinion gear 35, main gear 37, first link pin 39, link bar 41, second link pin 43, link arm 45) are combined, so that ram 15 strokes as shown by the solid line in Figure 3 while servo motor 23 rotates at constant rotational speed. The other documents applied in the outstanding Office Action disclose similar servo drive systems. Accordingly, NAKAGAWA, JP 10328891, INOUE and EP 08047279 do not disclose the above-noted features of claims 19, 24, 26, 28, 31 and 34 which are not disclosed by SETO.

SETO additionally does not disclose a pair of power units of the servo amplifiers that are driven by a common gate signal to integrally operate both of the pair of servo motors, as in new claim 19. SETO also does not disclose that lowering speed of a ram is reduced in accordance with a load received from a work during a process of lowering the ram, as in new claims 24 and 26. Moreover, SETO does not disclose that ram pressure is generated without utilizing inertia of a mechanism, as in new claims 20, 24, 26, 29 and 32. Additionally, SETO does not disclose that

an operation shaft is continuously reciprocated and turned through an angle range corresponding to a distance between a predetermined lower end position required for press working by the ram and a position where the ram is returned from the lower end position and a lower end of the ram is separated from a tool upper surface such that the ram vertically moves between these positions by the servo motor, as in new claims 28 and 31. Finally, SETO does not disclose that a servo motor has a control power driver with a front stage at which is provided a reactor which suppresses peak current by cutting off high frequency current component, and a capacitor which supplies electric energy which becomes short due to suppression of the peak current, as in new claim 34, and there is no proper modification of SETO that would result in such features. Accordingly, new independent claims 19, 24, 26, 28, 31 and 34 are each allowable over SETO for these additional reasons.

Applicants also note that JP 10328891 and INOUE do not disclose that an operation shaft is continuously reciprocated and turned through an angle range corresponding to a distance between a predetermined lower end position required for press working by the ram and a position where the ram is returned from the lower end position and a lower end of the ram is separated from a tool upper surface such that the ram vertically moves between these positions by the servo motor, as recited in new claims 28 and 31. Furthermore, NAKAGAWA, JP 10328891, INOUE and EP 08047279 do not disclose that ram pressure is generated without utilizing inertia of a mechanism, as recited in new claim 24.

As set forth above, each of new independent claims 19, 24, 26, 28, 31 and 34 is allowable over the documents applied in the outstanding Office Action. Claims 20-23, 25, 27, 29, 32-32 and 35 are each allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations (including

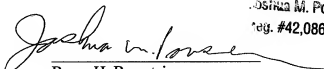
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those set forth above with respect to several of the new dependent claims). Accordingly, entry of each of new claims 19-35 is respectfully requested, as well as an indication of the allowability of each of the claims now pending.

Any amendments to the claim which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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